

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

RYOAUKE KONDO, SANTOS ACOSTA,
KRISTOPHER FARLEY, EDWARD DEL
VECHHIO, JORGE CIFUENTES, CELINA
LI, AND HANNA PAGE, individually and
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

CREATIVE SERVICES, INC.,

Defendant.

Civil Action No. 1:22-cv-10438-DJC
Honorable Judge Denise J. Casper

**PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Ryosuke Kondo, Jorge Cifuentes, Daniel Durgin, Santos Acosta, Kristopher Farley, Edward Del Vecchio, Valerie Locke, Michael Mercurio, Celina Li, Hannah Page, Pasquale Russolillo, Lisa McGillivray, and Gary Shepis, individually and on behalf of the putative class, (collectively, "Plaintiffs") hereby move this Court for final approval of the class action settlement preliminarily approved by this Court on April 14, 2023. Plaintiffs respectfully request that this Court:

a. Grant final certification of the Settlement Class, appoint Plaintiffs Ryosuke Kondo, Jorge Cifuentes, Daniel Durgin, Santos Acosta, Kristopher Farley, Edward Del Vecchio, Valerie Locke, Michael Mercurio, Celina Li, Hannah Page, Pasquale Russolillo, Lisa McGillivray, and Gary Shepis as Class Representatives, and appoint as Class Counsel David K. Lietz of Milberg Coleman Bryson Phillips Grossman, PLLC.

- b. Approve the requested combined attorneys' fees in the amount of \$396,000, expenses in the amount of \$19,016.97, and Plaintiffs' requested service awards in the amount of \$1,500 for each named Plaintiff (\$19,500);
- c. Find that the Notice met the requirements of due process and Federal Rule of Civil Procedure 23;
- d. Find that the terms of the Settlement Agreement are fair, reasonable, and adequate, are within the range of possible approval, that the settlement was entered into after extensive, arm's-length negotiations, and that the terms are approved, adopted, and incorporated by the Court;
- e. Direct the Parties, their respective attorneys, and the Claims Administrator to consummate the Settlement in accordance with the Court Order and the terms of the Settlement Agreement, and;
- f. Resolve all claims against all parties in this Action and issue the Proposed Final Approval Order.

In support of this motion, Plaintiffs refer the Court to the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Final Approval, the Declaration of Shannon Baraff of Angeion Group, LLC re: Notice Compliance, the Settlement Agreement entered into between the parties as well as the Notices issued to the Class; Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, Supporting Memorandum, and Supporting Declarations; Plaintiffs' Motion for Approval of Attorneys' Fees, Expenses, and Service Awards and accompanying documents, and; all other pleadings and papers on file in this action; any oral argument that may be heard by this Court at or prior to the Final Approval Hearing currently scheduled for September 7, 2023 and all prior pleadings and proceedings had herein,

Wherefore, premises considered, Plaintiffs request that this Court grant this motion, and also grant the motion for attorneys' fees, costs, and service awards.

Dated: August 23, 2023

Respectfully submitted,

/s/ David K. Lietz

David K. Lietz (admitted *pro hac vice*)

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Attorneys for Plaintiffs and Class Counsel

CERTIFICATE OF SERVICE

I hereby certify, under penalty of perjury, that on August 23, 2023, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. Copies of the foregoing document will be served upon interested counsel via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ David K. Lietz

David K. Lietz